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Paper No. 21

In re Application of
Craig L. Linden
Application No. 09/856,228
Filed: May 16, 2001
For: Method and Apparatus for
Powered Interactive Physical
Displays

This is a decision on the petition filed on May 20, 2004 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the Office action dated August 13, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that the Office letter in question was not received. Petitioner has supported this allegation by making a showing that satisfies the minimum showing required for establishing nonreceipt of Office correspondence as established in the Notice published at 1156 OG 53 and discussed in MPEP § 711.03.

Petitioner's showing of nonreceipt of Office correspondence will be accepted. Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner to remail the Office letter dated August 13, 2003. Petitioner should note that the record shows that petitioner has previously petitioned to withdraw a holding of abandonment based upon nonreceipt of Office correspondence, and that the record also shows that petitioner received several petition decisions without their having been lost in the mail. Therefore, pursuant to the Notice published at 1156 OG 53, a future petition on the grounds of nonreceipt of Office correspondence may be required to be supported a showing exceeding the minimum showing established by that Notice. Petitioner may, therefore, wish to take steps to determine the cause of the periodic nondelivery of Office correspondence and/or may wish to institute a system designed to forestall or to better document the same.

PETITION GRANTED.

E. Rollins-Cross, Director,
Technology Center 3700

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